

HB 1469 - S COMM AMD
By Committee on Transportation

ADOPTED 04/14/2005

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 46.32.100 and 1998 c 172 s 1 are each amended to read
4 as follows:

5 In addition to all other penalties provided by law, a commercial
6 motor vehicle that is subject to terminal safety audits under this
7 chapter and an officer, agent, or employee of a company operating a
8 commercial motor vehicle who violates or who procures, aids, or abets
9 in the violation of this title or any order or rule of the state patrol
10 is liable for a penalty of one hundred dollars for each violation,
11 except for each violation of 49 C.F.R. Pt. 382, controlled substances
12 and alcohol use and testing, 49 C.F.R. Sec. 391.15, disqualification of
13 drivers, and 49 C.F.R. Sec. 396.9(c)(2), moving a vehicle placed out of
14 service before the out of service defects have been satisfactorily
15 repaired, for which the person is liable for a penalty of five hundred
16 dollars. Each violation is a separate and distinct offense, and in
17 case of a continuing violation every day's continuance is a separate
18 and distinct violation.

19 The penalty provided in this section is due and payable when the
20 person incurring it receives a notice in writing from the patrol
21 describing the violation and advising the person that the penalty is
22 due. The patrol may, upon written application for review, received
23 within fifteen days, remit or mitigate a penalty provided for in this
24 section or discontinue a prosecution to recover the penalty upon such
25 terms it deems proper and may ascertain the facts upon all such
26 applications in such manner and under such rules as it deems proper.
27 If the amount of the penalty is not paid to the patrol within fifteen
28 days after receipt of the notice imposing the penalty, or application
29 for remission or mitigation has not been made within fifteen days after
30 the violator has received notice of the disposition of the application,

1 the (~~attorney general shall bring an action~~) patrol may commence an
2 adjudicative proceeding under chapter 34.05 RCW in the name of the
3 state of Washington (~~in the superior court of Thurston county or of~~
4 ~~some other county in which the violator does business,~~) to confirm the
5 violation and recover the penalty. In all such (~~actions~~) proceedings
6 the procedure and rules of evidence are (~~the same as an ordinary civil~~
7 ~~action~~) as specified in chapter 34.05 RCW except as otherwise provided
8 in this chapter. All penalties recovered under this section shall be
9 paid into the state treasury and credited to the state patrol highway
10 account of the motor vehicle fund."

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11 On page 1, line 2 of the title, after "orders;" strike the
12 remainder of the title and insert "and amending RCW 46.32.100."

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